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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Gambia

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services

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Please recycle

1. Recommendation 109.1 and 109.2: Ratify the conventions to which it is not yet party in keeping with the recommendations accepted during the first Review.

Response

We will study those conventions ratify those in the best interest of the State to do so.

2. Recommendation 109.3, 109.4, 109.5, 109.6, 109.7 and 109.8: Ratify the second optional protocol to the international covenant on civil and political rights, aimed at ensuring the abolition of the death penalty.

Response

This recommendation is rejected. The death penalty is provided for in the Laws of the Gambia and Constitution.

3. Recommendation 109.9–109.21: Consider the ratification of the UN Convention against Torture and other Cruel, Inhumane or Degrading treatment or Punishment and its Optional Protocol and harmonize the convention with the national legislation.

Response

Recommendation noted.

4. Recommendation 109.22 and 109.23: Ratify the Optional Protocol to the Convention on the Elimination of All forms of Discrimination against Women.

Reponse

Accepted subject to the Constitution of the Gambia.

5. Recommendation 109.24–109.26: Ratify the Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict.

Response

Accepted.

6. Recommendation 109.27 and 109.28: Consider acceding to the Optional Protocol to the Convention on the rights of the child on communication procedures.

Response

Noted.

7. Recommendation 109.29 and 109.30: Consider the ratification of the convention on the protection of the rights of all migrant workers and the members of their families.

Response

Noted.

8. Recommendation 109.31–109.36: Ratify the International Convention for the Protection of All Persons from Enforced disappearance.

Response

Noted.

9. Recommendation 109.37–109.42: Ratify the Convention on the Rights of Persons with Disabilities and ensure that persons with Disabilities are free from all forms of discrimination and social exclusion.

Response

Accepted. In fact this Convention was ratified in July 2013 and there is also a Disability Bill under consultation.

10. Recommendation 109.43–109.48: Consider enacting a comprehensive law prohibiting the practice of female Genital Mutilation.

Response

Noted.

11. Recommendation 109.49 and 109.50: That the president of The Gambia will use his executive power by refraining from signing the Bill amending section 144(A) of the criminal code into law and that the government of The Gambia eliminates all existing legislation criminalizing sexual orientation or gender identity.

Response

Rejected.

12. Recommendation 109.51–109.56: That The Gambia repeals all provisions of law criminalising same sex relations between consenting adults and ensure the rights of these persons are protected.

Response

Rejected.

13. Recommendation 109.57 and 109.58: Review the amendments to the criminal code in the area of "false information" in order to guarantee respect for freedom of the media and freedom of expression.

Response

Noted.

14. Recommendation 109.59–109.64: Amend the legislation to remove restriction on freedom of expression which has a major impact on human rights defenders, journalist and members of the political opposition.

Response

Rejected.

15. Recommendation 109.65 and 109.66: Enact Laws prohibiting forced and early marriage of girls.

Response

Accepted.

16. Recommendation 109.67 and 109.68: Conclude the ongoing consultations concerning the draft Disability Bill to be adopted at the nearest time possible.

Response

Accepted.

17. Recommendation 109.69–109.80: Accelerate the progress of consultations and ensure that the National Human Rights Institution functions in accordance with the Paris Principles.

Response

Accepted.

18. Recommendation 109.81: Provide the necessary financial and human resources to strengthen the implementation of policies and programmes for the empowerment of women in social and public life.

Response

Accepted.

19. Recommendation 109.82: Adopt a national Action Plan on security Council Resolution on Women Peace and security.

Response

Accepted.

20. Recommendation 109.83: Follow up effectively the National Action Plan to accelerate the eradication of female genital mutilation and the implementation preventative measures.

Response

Accepted.

21. Recommendation 109.84: Pursue efforts carried out by the Gambia Government in the framework of the National Policy for Gender Equality and promotion of women for the period of 2010 to 2020.

Response

Accepted.

22. Recommendation 109.85 and 109.86: Continue further improvement of the protection and promotion of human rights in the country.

Response

Accepted.

23. Recommendation 109.87: Continue efforts aimed at promoting awareness of the culture of human rights in the Gambian Society.

Response

Accepted.

24. Recommendation 109.88: Improve its cooperation with treaty bodies.

Response

Accepted.

25. Recommendation 109.89: Submit the long outstanding reports to the Human Rights Committee and to the committee on the Elimination of Racial Discrimination.

Response

Accepted.

26. Recommendation 109.90: Take all necessary measures to address the backlog in the submission of reports to treaty bodies.

Response

Accepted.

27. Recommendation 109.91: Consider issuing a standing invitation to the United Nations Human Rights Special Procedures.

Response

Noted.

28. Recommendation 109.92–109.5: Accept the visit of the Special Procedures of the Human Rights Council and allow them access without restrictions.

Response

Noted.

29. Recommendation 109.96: Take all necessary measures, both legislative and educational, to eradicate negative stereotypes and attitudes towards women.

Response

Accepted in line with Government's policy on women empowerment.

30. Recommendation 109.97–109.100: Withdraw Criminal laws sanctioning homosexuality and take action to combat violence based on sexual orientation and gender identity.

Response

Rejected. The position of Gambia on same sex relationship is very clear. For the record however no person has been subjected to any form of violence based on sexual orientation. They are prosecuted in accordance to the laws of the Gambia.

31. Recommendation 109.101 and 109.102: Maintain the moratorium on execution with a view to abolishing the death penalty.

Response

Rejected.

32. Recommendation 109.103: Consider establishing a new moratorium on executions with a view to abolish the death penalty in the future.

Response

Rejected.

33. Recommendation 109.104–109.109: Adopt a permanent moratorium on the death penalty with the view of its future abolition.

Response

Rejected.

34. Recommendation 109.110: Investigate all complaints of torture and adopt necessary preventive measures to eliminate this practice.

Response

Accepted.

35. Recommendation 109.111 and 109.112: Continue to improve the conditions of prisoners.

Response

Accepted.

36. Recommendation 109.113–109.116: Adopt and implement effective legislation aimed at banning female genital mutilation and punishing the perpetrators.

Response

Accepted.

37. Recommendation 109.107, 109.118–109.120: Enhance its initiatives designed to halt female genital mutilation and related harmful practices.

Response

Accepted.

38. Recommendation 109.121–109.124: Intensify efforts to ensure gender equality and eliminate sexual and gender based violence.

Response

Accepted. In fact the Sexual Offences Act and Domestic violence Act were recently enacted.

39. Recommendation 109.125: Enforce laws relating to child labour.

Response

Accepted.

40. Recommendation 109.126: Explore and maximize the benefits from international cooperation and partnerships to support initiatives to combat trafficking in persons, especially women and children.

Response

Accepted. In fact the National Agency against the Trafficking in persons, collaborates with International organizations and non Governmental Organizations to combat trafficking of persons.

41. Recommendation 109.127: Seek technical assistance to improve the judiciary, in order to more adequately execute its functions.

Response

Accepted.

42. Recommendation 109.128–109.132: Ensure the independence of the judiciary.

Response

Accepted.

43. Recommendation 109.133: Ensure independent, effective ad speedy investigation to violations of the right to freedom of expression committed by officials engaged in law enforcement duties, to hold those responsible to account; and provide redress to victims.

Response

Accepted, please note however that The Gambia has in place structures that conduct independent and effective investigations in respect of any violations of law committed by any person.

44. Recommendation 109.134: Implement swiftly and without preconditions the verdict of the ECOWAS court of 10 June 2014 on the need of a thorough investigation to the disappearances of journalists Manneh and Hydara.

Response

Noted.

45. Recommendation 109.135: Investigate disappearance of U.S. Citizens Alhaji Ceesay and Ebrima Jobe.

Response

Accepted.

46. Recommendation 109.136: Promote national efforts aimed at enhancing judicial reform, so as to cater for expanding recourse to courts of law, partly as a result of the growth of the Gambia economy.

Response

Accepted.

47. Recommendation 109.137 and 109.138: Consider drawing up a legislation to raise the legal age of marriage to 18 years.

Response

Rejected. There is already a law in place which defines the age of a child and protects the child from early marriage. Our laws are however subject to personal laws as provided for in the Constitution.

48. Recommendation 109.139: Take steps to prevent child early and forced marriage, including through education and awareness campaigns.

Response

Accepted as it is in line with Government's efforts to protect and promote children's rights.

49. Recommendation 109.140 and 109.141: promote and guarantee freedom of expression in compliance with international standards as recommended previously.

Response

Accepted, subject to the laws of the Gambia.

50. Recommendation 109.142–109.144: create and maintain in law and in practice, a safe and enabling environment, in which rights defenders can operate free from hindrance and insecurity, in accordance with Human Rights Council Resolution 22/6.

Response

Accepted, however subject to the laws of The Gambia.

51. Recommendation 109.145: Fully protect and promote freedom of expression, association and peaceful assembly for all, without fear of arbitrary detention, intimidation or harassment, and to investigate all allegations, of torture or ill-treatment and hold the perpetrators to account.

Response

Accepted, subject to the laws of The Gambia.

52. Recommendation 109.146: Decriminalize offences related to freedom of expression and guarantee that human rights defenders and journalists can carry out their work in an atmosphere of freedom and security.

Response

Noted. It should also be noted however that in the Gambia, human rights defenders and journalists can carry out their work in an atmosphere of freedom and security, subject to the laws of The Gambia.

53. Recommendation 109.147: Take all the necessary measures to ensure that all persons, including journalists, opposition leaders and political opponents and human rights

defenders can freely exercise their rights to freedom of expression, association and peaceful assembly without fear of arrest, detention, intimidation or harassment.

Response

Accepted subject to the Laws of the Gambia.

54. Recommendation 109.148: Demonstrate its commitment to freedom of expression, including by members of the press, by allowing the UN unfettered access to complete its investigation of the death of journalist Deyda Hydara in 2004 and the disappearance of journalist Ebrima Manneh in 2006.

Response

Rejected, there cannot be unfettered access anywhere.

55. Recommendation 109.149–109.154: Continue its positive approach in combating poverty by providing the necessary support in rural infrastructure and its national employment policy to reduce unemployment.

Response

Accepted.

56. Recommendation 109.155: Continue strengthening its social protection programme that is already implementing, in order to provide for even greater well-being quality for its people.

Response

Accepted.

57. Recommendation 109.156–109.160: further strengthen driven policies in the area of health, in order to achieve the objective of universal access to health.

Response

Accepted, because it is in line with Government's policies.

58. Recommendation 109.161: Take action at all levels to address the interlinked root causes of preventable mortality and morbidity of children under 5 and consider applying the "Technical Guidance on the application of a human rights based approach to the implementation of policies and programmes to reduce and eliminate presentable mortality and morbidity of children under 5 years of age", A/HRC/27/31.

Response

Accepted.

59. Recommendation 109.162: Continue to implement its HIV/AIDS prevention, care and treatment programmes to further reduce the prevalence.

Response

Accepted.

60. Recommendation 109.163: Continue to invest in education and training.

Response

Accepted because it is in line with Government's policies.

61. Recommendation 109.164–109.167: Continue with the positive approach in the field of education, especially the construction of more schools and educational centres, which contributed to an increase in student enrolment rates in the various stages of education.

Response

Accepted.

62. Recommendation 109.168: Intensify the policy of social reintegration of abandoned children and school dropouts.

Response

Accepted.

63. Recommendation 109.169: Continue efforts to provide more education to persons with disabilities.

Response

Accepted.

64. Recommendation 109.170: In the context of global partnerships for development, to seek assistance from the United Nations System, including the United Nations High Commissioner for Refugees and development partners to mobilize requisite resources with respect to financial assistance to aid the establishment of transit centres for refugees and capacity building in the administration and management of refugees and stateless persons.

Response

Accepted.

65. Recommendation 109.171: Provide additional resources to the National Commission for Refugees in order to facilitate their reintegration and better organize their legal protection.

Response

Accepted.